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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
09/965,142	09/27/2001	James M. Keegan	483471-009-C1	7345	
27805 7:	590 01/14/2003				
THOMPSON HINE L.L.P.			EXAMI	EXAMINER	
2000 COURTHOUSE PLAZA , N.E. 10 WEST SECOND STREET			ELVE, MARIA ALEXANDRA		
DAYTON, OH	1 45402		ART UNIT	PAPER NUMBER	
			1725	18-	
			DATE MAILED: 01/14/2003	10	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. **09/965,142**

Applicant(s)

Keegan et al.

Examiner

M. Alexandra Elve

Art Unit **1725**



A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE		The MAILING DATE of this communication appears	s on the cover s	heet with	the correspondence address				
THE MALING DATE OF THIS COMMUNICATION. Extensions of time rays be widely due the provisions of 37 CFR 1 36 (a). In reviewing, may a very be timely filed after \$2 (8). MONITHS from the making date of this communication. If the period to righly is specified above is the strength of 30 cells, a very widely the studies of more interesting date of this communication. If the period to righly is specified above is the strength of 30 cells of the strength of 30 cells of 1 ce	Period f	or Reply							
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1) Responsive to communication(s) filed on	- If the p - If NO p - Failure - Any rep	eriod for reply specified above is less than thirty (30) days, a reply within eriod for reply is specified above, the maximum statutory period will apply to reply within the set or extended period for reply will, by statute, cause bly received by the Office later than three months after the mailing date or	y and will expire SIX (the application to be	6) MONTHS fi come ABANDO	rom the mailing date of this communication. DNED (35 U.S.C. § 133).				
2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213. Disposition of Claims 4) Claim(s)	Status								
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All Claim(s)	3)		·						
4a) Of the above, claim(s) is/are withdrawn from consideration. 5] Claim(s) is/are allowed. 6] Claim(s) is/are rejected. 7] Claim(s) is/are rejected. 7] Claim(s) is/are objected to. 8] Claim(s) is/are objected to with the specification is objected to by the Examiner. Application Papers 9] The specification is objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is/are a) accepted or b) objected to by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13] Acknowledgement is made of a claim for foreign priority under 35 U.S.C. §§ 119(a)-(d) or (f). a) All b) Some* c) None of: 1. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 119(e). a) The translation of the foreign language provisional application has been received. 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.									
Side Claim(s)	4)	Claim(s))5		is/are pending in the application.				
Same rejected. Same	4	a) Of the above, claim(s)			is/are withdrawn from consideration.				
Claims	5) 🛄	Claim(s)			is/are allowed.				
Application Papers 9 The specification is objected to by the Examiner. 10 The drawing(s) filed on	6) 🗀	Claim(s)			is/are rejected.				
Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on	7) 🗀	Claim(s)			is/are objected to.				
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			4) Interview	Summary (PT)	0-413) Paper No(s)				
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)									
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s).									

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Art Unit:

DETAILED ACTION

Election/Restriction

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-17 & 25 are, drawn to product, classified in class 219, subclass 145.22.
 - II. Claims 18-21 are, drawn to method, classified in class 219, subclass 137R.
 - III. Claims 22-23 are, drawn to product, classified in class 148, subclass 550.
 - IV. Claim 24 is, drawn to method, classified in class 219, subclass 136.
- 2. The inventions are distinct, each from the other because of the following reasons: Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the wire manufacturing method may be used for a variety of compositions.
- 3. Inventions I and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case a welding wire does not have to be composed of a tube.
- 4. Inventions I and IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different

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functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case a weld does not have to be formed using a welding wire.

- 5. Inventions II and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case an aluminum tube does not have to be used in the manufacturing of a welding wire.
- 6. Inventions II and IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case a welding wire does not have to be comprised of a tube.
- 7. Inventions III and IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case an aluminum tube does not have to be used to form a weld.
- 8. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 9. Because these inventions are distinct for the reasons given above and the search required for Group I (II, IV) is not required for Group II (I, IV), restriction for examination purposes as indicated is proper.

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Art Unit:

- 10. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 11. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).
- 12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Alexandra Elve whose telephone number is (703) 308-0092.

January 13, 2003.